

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ORTHOPEDIC BONE SCREW	:	CIVIL ACTION
PRODUCTS LIABILITY LITIGATION	:	MDL DOCKET NO. 1014

MEMORANDUM AND ORDER

BUCKWALTER, S. J.

August 4, 2011

Before the Court is the Report of Administrator Robert E. Welsh requesting permission to close out the settlement fund, a request with which plaintiff's liaison counsel agrees, both suggesting that a *cy pres* distribution would be in order.

This court has frequently distributed residual class funds in such a way. Its broad equitable powers permit this manner of distribution for public interest purposes by educational, charitable and other public service organizations. In Re Linerboard Antitrust Litigation, 2008 WL 4542669 (E.D. Pa.). In both Linerboard, and more recently, Boone v. City of Philadelphia (C.A. No. 05-cv-1851), the Philadelphia Bar Foundation, which is dedicated to promoting access to justice for all people, was the designated recipient of residual class funds.

The Lancaster Bar Association Foundation (LBAF) now has as its mission statement, "To improve the lives of Lancaster County residents by promoting access to justice through philanthropy, education and service." The vision of LBAF is, "Using the power of law-related philanthropy to provide greater access to justice and meet unmet legal needs in our community."

While a relative newcomer to the foundation field (2002), LBAF is, like its sister foundation in Philadelphia, the charitable arm of the bar association.

An order follows.

AND NOW, this 4th day of August, 2011, it is hereby **ORDERED** that the sum of **\$158,360.95** is awarded to the Lancaster Bar Association Foundation, and the administration of the settlement fund in this case is **CLOSED** after payment of the above sum.

To effectuate this award, Settlement Administrator, Robert E. Welsh is hereby ordered to issue a check to Lancaster Bar Association Foundation in the amount of \$158,360.95.

IT IS SO ORDERED.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S. J.